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Attorneys for Defendant  
THE PROVIDENT BANK

**\*\*E-filed 9/7/05\*\***

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CYNTHIA TAMAYO and JUAN ALGARATE,  
on behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

BRAINSTORM USA, a limited liability  
company; and THE PROVIDENT BANK, a  
corporation; DOES 1-25,

Defendants.

**E-FILING**

No. C01-20386 JF (RS)

**STIPULATION FOR CONTINUANCE  
OF CASE MANAGEMENT  
CONFERENCE PENDING  
RESOLUTION OF APPEAL;  
PROPOSED ORDER**

Date: September 9, 2005  
Time: 10:30 a.m.  
Place: Ctrm. 3, 5<sup>th</sup> Floor  
Judge: Hon. Jeremy Fogel

The Parties hereby stipulate as follows:

WHEREAS, a Further Case Management Conference is scheduled in this matter for  
September 9, 2005; and

WHEREAS, the Ninth Circuit Appeal relating to the denial of the Motion to Compel  
arbitration is still pending before the Ninth Circuit;

THE PARTIES HEREBY STIPULATE that the Further Case Management Conference  
set for September 9, 2005 be vacated, and that the Further Case Management Conference be  
continued to December 2, 2005 at 10:30 a.m.

IT IS SO STIPULATED.

JOINT CASE MANAGEMENT STATEMENT AND STIPULATION FOR CONTINUANCE OF CMC  
Case No. C01-20386 JF (RS)

1  
2 DATED: September 2, 2005

SQUIRE, SANDERS & DEMPSEY LLP

3 By: \_\_\_\_\_/s/  
4 Diane L. Gibson  
5 Attorneys for Defendant  
6 THE PROVIDENT BANK

7  
8 DATED: September 2, 2005

BINGHAM McCUTCHEN LLP

9 By: \_\_\_\_\_/s/  
10 Thomas E. Kuhnle  
11 Attorneys for Defendant  
12 BRAINSTORM USA

13  
14 DATED: September 2, 2005

ALEXANDER COMMUNITY LAW CENTER

15 By: \_\_\_\_\_/s/  
16 Scott Maurer  
17 Attorneys for Plaintiffs  
18 CYNTHIA TAMAYO and JUAN ALGARATE  
19 and others similarly situated

20  
21 **IT IS SO ORDERED**

22 DATED: 9/6, 2005

/s/electronic.signature.authorized  
U.S. District Court Judge Jeremy Fogel